

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VANCE S. ELLIOTT,
Plaintiff,

v.

THE SAN FRANCISCO DEPARTMENT
OF PUBLIC HEALTH,
Defendant.

Case No. [15-mc-80174-JCS](#)

**ORDER REGARDING PRE-FILING
REVIEW**

Based on Plaintiff Vance Elliot's conduct in an action he filed against John Marsh, Judge Marilyn Hall Patel declared Elliot a vexatious litigant on February 14, 2006 and "required [him] to obtain leave of court before filing any motion, complaint or other papers involving any claims that have been the subject of or are related to claims in [that] action." *Elliot v. Marsh*, No. C 04-1600 MHP, ECF Dkt. No. 36 (N.D. Cal. Feb. 14, 2006). That case involved claims that Marsh posed as a minister of the First Unitarian Universalist Church, stole money from the church and/or parishioners, and assaulted an intern. Pursuant to Judge Patel's order, Judge William Alsup denied Elliot leave to file a complaint against the Department of Veterans Affairs in 2011, and denied leave to file an amended complaint in 2012, both without modifying the terms of Judge Patel's order. *Elliot v. Dep't of Veterans Affairs*, No. C 11-80237 WHA, ECF Dkt. No. 3 (N.D. Cal. Oct. 11, 2011); *id.* ECF Dkt. No. 5 (Jan 9, 2012).

Elliot has now submitted a handwritten complaint (dkt. 1) against the San Francisco Department of Public Health, alleging misconduct in the context of an abatement hearing related to unsanitary conditions purportedly found in Elliot's room. Elliot also submitted an application to proceed in forma pauperis ("IFP application," dkt. 2). After Judge Vince Chhabria recused himself, the case was assigned to the undersigned magistrate judge for pre-filing review pursuant

1 to Judge Patel's vexatious litigant order.¹

2 The undersigned finds no apparent connection between Elliot's present complaint and the
3 earlier action against John Marsh. His present claim therefore falls outside the scope of Judge
4 Patel's order. Accordingly, the Clerk is instructed to file Elliot's complaint and IFP application,
5 assign that matter a civil case number, and assign the case pursuant to the Court's Assignment
6 Plan. This order does not address the merits of Elliot's IFP application or any issues regarding the
7 sufficiency of his complaint.

8 **IT IS SO ORDERED.**

9 Dated: July 6, 2015

10 
11 JOSEPH C. SPERO
12 Chief Magistrate Judge

United States District Court
Northern District of California

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¹ Elliot has consented to the jurisdiction of the undersigned magistrate judge pursuant to 28 U.S.C. § 636(c).